

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PENNSYLVANIA

Melody Stoops, *pro se*
Plaintiff,

vs

Credit Protection Association,
Defendant.

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AUG 22 2014

CLERK, U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

3:14-cv-184

TRIAL BY JURY DEMANDED

**COMPLAINT FOR VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT AND THE
TELEPHONE CONSUMER PROTECTION ACT**

JURISDICTION

1. This court has jurisdiction under 47 U.S.C. § 227(b)(3), 15 U.S.C. § 1692k(d), and 28 U.S.C. §1331.
2. All conditions precedent to the bringing of this action have been performed.

PARTIES

3. The Plaintiff in this lawsuit is Melody Stoops, a natural person, who resides in, Flinton, Pennsylvania
4. Defendant in this lawsuit is Credit Protection Association, which is a debt collection company with offices at 13355 Noel Road, 21st Floor One Galleria Tower, Dallas, TX 75240

VENUE

5. The occurrences which give rise to this action occurred in Hartford County, Connecticut and Cambia County Pennsylvania. The majority of the phone calls were in Flinton, as Plaintiff resides in Flinton, Pennsylvania.

6. Venue is proper in the District of Pennsylvania

GENERAL ALLEGATIONS

7. On or about June 30, 2014 Credit Protection Association began calling Plaintiff's wireless phone number 863-397-7908 from phone number 888-701-0632 which is a number known to be used by Credit Protection Association in their debt collection operations.
8. All calls made by Credit Protection Association were made with automatic telephone dialing system (ATDS) capable equipment to Plaintiff's wireless phone.
9. Credit Protection Association made at least 4 individual calls to Plaintiff's wireless phone beginning June 30, 2014 thru July 7, 2014 using ATDS capable equipment.
10. The calls made to Plaintiff's wireless phone were not for an emergency purpose and were made without the consent, express or otherwise, of the Plaintiff having been given at any time.
11. Credit Protection Association called at times that were inconvenient and when Plaintiff answered the phone there was no live person on the line and no message was left.
12. The Plaintiff has never had any business relationship with Credit Protection Association at any time and has never given Credit Protection Association her express consent to call her wireless phone.
13. The repetitive calls made by Defendant to Plaintiff were disturbing, harassing, and had the effect of making Plaintiff feel concerned and suspicious about answering the telephone.

VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT (TCPA), 47

U.S.C. § 227 AND THE FAIR DEBT COLLECTION PRACTICES ACT (FDCPA), 15

U.S.C. § 1692 et seq. BY CREDIT PROTECTION ASSOCIATION

14. Paragraphs 1 through 13 are re-alleged as though fully set forth herein.
15. Plaintiff brings this action pursuant to 47 U.S.C. § 227(b)(1)(A)(iii) and 15 U.S.C. § 1692k(d) for the following:

16. On June 30, 2014 2:26 p.m. Credit Protection Association called Plaintiff's wireless phone number 863-397-7908 from 888-701-0632 using ATDS capable equipment without Plaintiff's prior express consent. The caller failed to identify who was calling the Plaintiff or to identify the purpose of the call. Defendant's harassing and abusive actions and/or its failure to disclose the identity of the caller or purpose of its call were a violation of 15 U.S.C. § 1692d and/or § 1692d(6).
17. On July 1, 2014 6:29 p.m. Credit Protection Association called Plaintiff's wireless phone number 863-397-7908 from 888-701-0632 using ATDS capable equipment without Plaintiff's prior express consent. The caller failed to identify who was calling the Plaintiff or to identify the purpose of the call. Defendant's harassing and abusive actions and/or its failure to disclose the identity of the caller or purpose of its call were a violation of 15 U.S.C. § 1692d and/or § 1692d(6).
18. 18. On July 6, 2014 5:44 p.m. Credit Protection Association called Plaintiff's wireless phone number 863-397-7908 from 888-701-0632 using ATDS capable equipment without Plaintiff's prior express consent. The caller failed to identify who was calling the Plaintiff or to identify the purpose of the call. Defendant's harassing and abusive actions and/or its failure to disclose the identity of the caller or purpose of its call were a violation of 15 U.S.C. § 1692d and/or § 1692d(6).
19. On July 7, 2014 3:14 p.m. Credit Protection Association called Plaintiff's wireless phone number 863-397-7908 from 888-701-0632 using ATDS capable equipment without Plaintiff's prior express consent. The caller failed to identify who was calling the Plaintiff or to identify the purpose of the call. Defendant's harassing and abusive actions and/or its failure to disclose the identity of the caller or purpose of its call were a violation of 15 U.S.C. § 1692d and/or § 1692d(6).

20. Plaintiff made multiple attempts to contact Credit Protection Association to reach a settlement of the violations alleged herein to mitigate damages and Defendant failed to cooperate with Plaintiff at all times.

COUNT I

VIOLATIONS OF THE FDCPA 15 U.S.C. § 1692d

21. Plaintiff repeats and re-alleges each and every allegation stated above.
22. Defendant's aforementioned conduct violated the FDCPA.

WHEREFORE, Plaintiff prays for relief and judgment as follows:

- a. Adjudging that Credit Protection Association violated the FDCPA.
- b. Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. § 1692k, in the amount of \$1,000;
- c. Awarding Plaintiff any attorney's fees and costs incurred in this action;
- d. Awarding Plaintiff post-judgment interest as may be allowed under the law;
- e. Awarding such other and further relief as the Court may deem just and proper.

COUNT II

VIOLATIONS OF THE TCPA 47 U.S.C. § 227(b)(1)(A)(iii)

23. Plaintiff repeats and re-alleges each and every allegation stated above.
24. Defendant's aforementioned conduct violated the TCPA, 47 U.S.C. § 227.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a. Adjudging that Credit Protection Association violated the TCPA 47 U.S.C. § 227.
- b. Awarding Plaintiff statutory damages pursuant to 47 U.S.C. § 227(b)(3)(B)(C) of \$500 for the first call and \$1500 for each call thereafter made to the Plaintiff's wireless phone as knowing and/or willful violations;
- c. Awarding Plaintiff any fees and costs incurred in this action;
- d. Awarding Plaintiff any post-judgment interest as may be allowed under the law;

e. Awarding such other and further relief as the Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

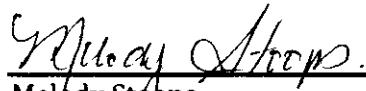
Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

~

Melody Stoops

400 N Main Street, Unit 20

Manchester, CT 06042



Melody Stoops